

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

REGINALD ALLEN,

Petitioner,

Case No. C-1-01-810

v.

Judge Dlott

ALAN LAZAROFF, WARDEN,

Magistrate Judge Sherman

Respondent.

RESPONDENT'S MOTION FOR AN EXTENSION OF TIME

Now comes Respondent, by and through counsel, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully moves this Court for an order granting an extension of time of sixty (60) days, through and including January 3, 2004, in which to show cause why the petition for writ of habeas corpus should not be granted.

Respectfully submitted,

Jim Petro
Ohio Attorney General

S/Diane Mallory
Diane Mallory (0014867)
Assistant Attorney General
Corrections Litigation Section
150 East Gay Street, 16th Floor
Columbus, Ohio 43215
(614) 644-7233

MEMORANDUM IN SUPPORT

On October 3, 2003, this Court issued an Order directing Respondent to file a return of writ and a memorandum responding to petitioner's motion for bond within 30 days. Respondent intends to file the memorandum opposing the motion for bond by the due date of November 3, 2003.

The return of writ is also due on November 3, 2003. Counsel for the Respondent is unable to file the return of writ by then because counsel has not yet obtained the complete state court record necessary to respond to the allegations in the petition. Therefore, Respondent respectfully requests an extension of time of sixty (60) days, through and including January 1, 2004, in order to obtain the complete state court record necessary to show cause why the writ should not be granted.

The Respondent has not sought any prior extensions of time. Pursuant to Rule 7.3 of the Local Rules of the United States District Court for the Southern District of Ohio, on Friday, October 31, 2003, Respondent's counsel attempted to reach Petitioner's counsel by telephone. He was not available, and Respondent's counsel left a message with his office advising that this motion would be filed.

Respectfully submitted,

Jim Petro
Ohio Attorney General

S/Diane Mallory
Diane Mallory (0014867)
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served either electronically or by regular, first-class mail on Kevin M. Schad, Attorney for Petitioner, Schad & Cook, 8240 Beckett Park Drive, Indian Springs, Ohio 45011, on the 31st day of October, 2003.

S/Diane Mallory